

Kevin F. McCoy  
Assistant Federal Defender  
FEDERAL PUBLIC DEFENDER  
FOR THE DISTRICT OF ALASKA  
601 West Fifth Avenue, Suite 800  
Anchorage, Alaska 99501  
(907) 646-3400

Attorney for Defendant

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
MARCO A. RIVERA,  
Defendant.

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

NO. 3:03-cr-00109-02-RRB

**AFFIDAVIT OF COUNSEL**

ss:

Kevin F. McCoy, being first duly sworn upon oath, deposes and says as follows:

1. I was appointed to represent Marco Rivera in connection with the original prosecution in this matter and, on his behalf, have asked for an order appointing the Federal Defender in connection with his 18 U.S.C. § 3582(c)(2) motion to reduce sentence.

2. The motion to reduce sentence has been filed on shortened time because, as explained therein, proper application of the retroactive cocaine base amendment results in a 57-month sentence.

3. Mr. Rivera's current release date is June 28, 2008, and he has already served more than 57 months.

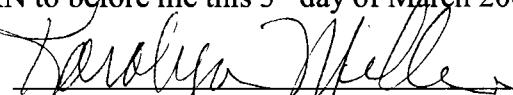
4. Accordingly, Mr. Rivera is asking the court and the government to expedite consideration of his motion to reduce sentence.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

/s/Kevin F. McCoy  
Assistant Federal Defender  
601 West Fifth Avenue, Suite 800  
Anchorage, AK 99501  
Phone: 907-646-3400  
Fax: 907-646-3480  
E-Mail: [kevin\\_mccoy@fd.org](mailto:kevin_mccoy@fd.org)



SUBSCRIBED AND SWORN to before me this 3<sup>rd</sup> day of March 2008.

  
Notary Public in and for Alaska  
My Commission Expires: 12/20/2008

Certification:

I certify that on March 3, 2008,  
a copy of the *Affidavit of Counsel*  
was served electronically on:

Joseph Bottini  
Assistant United States Attorney  
U.S. Attorney's Office  
222 West Seventh Avenue #9, Room 253  
Anchorage, AK 99513-7567

/s/Kevin F. McCoy